

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

CR 11-58-GF-BMM-JTJ

Plaintiff,

**FINDINGS AND
RECOMMENDATIONS**

vs.

MORIAH MELISSA OJEDA,

Defendant.

I. Synopsis

Defendant Moriah Melissa Ojeda (Ojeda) has been accused of violating the conditions of her supervised release. Ojeda admitted the alleged violations. Ojeda's supervised release should be revoked. Ojeda should receive a term of custody of time served, with 28 months of supervised release to follow.

II. Status

Ojeda pleaded guilty to Assault Resulting in Serious Bodily Injury on July 7, 2011. (Doc. 22). The Court sentenced Ojeda to 76 months of custody, followed by 3 years of supervised release. (Doc. 38). Ojeda's current term of supervised release began on September 27, 2017. (Doc. 52 at 1).

Petition

The United States Probation Office filed a Petition on June 20, 2018, requesting that the Court revoke Ojeda's supervised release. (Doc. 52). The Petition alleges that Ojeda violated the conditions of her supervised release: 1) by committing another crime; and 2) by using methamphetamine. (Doc. 52 at 2). United States District Judge Brian Morris issued a warrant for Ojeda's arrest on June 20, 2018. (Doc. 53).

Initial appearance

Ojeda appeared before the undersigned for her initial appearance on July 10, 2018. (Doc. 56). Ojeda was represented by counsel. Ojeda stated that she had read the petition and that she understood the allegations. Ojeda waived her right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on July 10, 2018, and on January 3, 2019. Ojeda admitted that she had violated the conditions of her supervised release: 1) by committing another crime; and 2) by using methamphetamine. The violations are serious and warrant revocation of Ojeda's supervised release.

Ojeda's violation is a Grade C violation. Ojeda's criminal history category is V. Ojeda's underlying offense is a Class C felony. Ojeda could be incarcerated for up to 24 months. Ojeda could be ordered to remain on supervised release for up to 36 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 7 to 13 months.

Ojeda requested a term of custody of time served. The government requested a term of custody of time served.

III. Analysis

Ojeda's supervised release should be revoked. Ojeda should receive a term of custody of time served, with 28 months of supervised release to follow. The supervised release conditions imposed previously should be continued. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Ojeda that the above sentence would be recommended to Judge Morris. The Court also informed Ojeda of her right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Ojeda that Judge Morris would consider a timely objection before making a final determination on whether to revoke her supervised release and what, if any, sanction to impose. Ojeda stated that she wished to waive her right to object to these Findings and Recommendations.

The Court **FINDS:**

That Moriah Melissa Ojeda violated the conditions of her supervised release by committing another crime and by using methamphetamine.

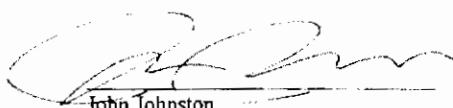
The Court **RECOMMENDS:**

That the District Court revoke Ojeda's supervised release and commit Ojeda to the custody of the United States Bureau of Prisons for a term of imprisonment of time served, with 28 months of supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district judge, and may waive the right to appear and allocute before a district judge.

DATED this 3rd day of January, 2019.



John Johnston
United States Magistrate Judge